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November 16, 2021

VIA ECF

The Honorable Andrew L. Carter
United States District Court Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *SEC v. Gerald Fauth*, No. 21-mc-787 (ALC); Joint Status Report

Dear Judge Carter:

Pursuant to the Court's minute order dated November 12, 2021, Dkt. 32, the Securities and Exchange Commission and Gerald Fauth respectfully submit this joint status report.

On November 15 and 16, 2021, the parties met and conferred over email regarding the date for Mr. Fauth's testimony. The parties agreed that Mr. Fauth's testimony will take place remotely on November 30, 2021, beginning at 10 a.m. EST. The SEC represented that, per the Court's order, it will send relevant documents that it then anticipates it will use, as well as a list of topics, to Mr. Fauth on November 22, 2021. The parties acknowledge that the Court has directed that the testimony shall last no longer than 2.5 hours, exclusive of breaks, that Mr. Fauth shall be permitted to take as many breaks as needed, and that the parties will conduct themselves in the manner that the Court described at the November 10, 2021 hearing in this matter.

Finally, Mr. Fauth's counsel will continue to consult with Mr. Fauth's physicians and will continue to monitor Mr. Fauth's health situation. Counsel for Respondent shall inform the SEC should Mr. Fauth's condition necessitate any modification of the planned testimony, and the parties will meet and confer about how to proceed.

The parties are available at the Court's convenience to discuss this matter further.

Sincerely,

/s/ *F. Joseph Warin*

F. Joseph Warin (*pro hac vice*)

cc: Counsel of Record